

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

WILLIE MCNAIR,)	
)	
Plaintiff/Counter-Defendant,)	
)	
v.)	Case No. 2:06-cv-695-WKW
)	
RICHARD ALLEN, et al.,)	
)	
Defendants/Counter-Plaintiffs.)	
<hr style="width: 40%; margin-left: 0;"/>		
JAMES CALLAHAN,)	
)	
Plaintiff/Counter-Defendant,)	
)	
v.)	Case No. 2:06-cv-919-WKW
)	
RICHARD ALLEN, et al.,)	
)	
Defendants/Counter-Plaintiffs.)	

JOINT EXHIBIT LIST WITH OBJECTIONS

James Callahan and Willie McNair (the “Plaintiffs”) and Richard Allen, et al. (the “Defendants”) expect to present at trial the exhibits listed below. Both parties reserve the right to offer additional exhibits for purposes of impeachment or rebuttal. Both parties also reserve the right to amend or supplement this list as necessary. Both parties further reserve the right to seek introduction into evidence the autopsy reports of Larry Hutcherson and Aaron Jones, and the execution logs and autopsy reports of Darrell Grayson and Luther Williams, should they become available before trial.

As to the following exhibits, neither party objects.

JOINT EXHIBITS

Joint Exhibit #	Document Description	Beginning Bates No.	Ending Bates No.
JX-1	State of Alabama Execution Procedures as Redacted by Defendants (Revised)	DEF000904	DEF000922

JX-2	State of Alabama Execution Procedures as Redacted by Defendants (Prior Version)	DEF000938	DEF000956
JX-3	State of Georgia Controlled Chemical Handling Procedures for Execution by Lethal Injection	DEF000691	DEF000696
JX-4	Gary Leon Brown Execution Log	DEF000016	DEF000026
JX-5	Mario Centobie Execution Log	DEF000042	DEF000055
JX-6	Tommy Fortenberry Execution Log	DEF000250	DEF000265
JX-7	Jerry Henderson Execution Log	DEF000268	DEF000278
JX-8	David Kevin Hocker Execution Log	DEF000311	DEF000324
JX-9	James Barney Hubbard Execution Log	DEF000428	DEF000442
JX-10	Larry Hutcherson Execution Log	DEF000532	DEF000545
JX-11	Anthony Keith Johnson Execution Log	DEF000623	DEF000634
JX-12	John W. Peoples Execution Log	DEF000965	DEF000979
JX-13	George Sibley Execution Log	DEF001036	DEF001048
JX-14	Michael E. Thompson Execution Log	DEF001145	DEF001155
JX-15	Aaron Jones Execution Log	DEF001418	DEF001431
JX-16	Autopsy and Toxicological Analysis Reports for Tommy Fortenberry	DEF000178	DEF000187
JX-17	Autopsy and Toxicological Analysis Reports for Anthony K. Johnson	DEF000602	DEF000612
JX-18	News Media Questions to Alabama Correctional Officials	DEF000733	DEF000742
JX-19	Schematic Diagram of Holman Prison Execution Area	DEF000687	N/A
JX-20	Two (2) compact discs (CDs) containing video of the March 26, 2007 inspection of the Holman Correctional Facility in Atmore, Alabama	MCNAIR000001	MCNAIR000002
JX-21	Photograph of Holman Prison Death Chamber	MCNAIR000131	N/A

JX-22	Photograph of Holman Prison Death Chamber	MCNAIR000139	N/A
JX-23	Photograph of Holman Prison Death Chamber	MCNAIR000143	N/A
JX-24	Photograph of Holman Prison Death Chamber	MCNAIR000145	N/A
JX-25	Photograph of Holman Prison Control Room	MCNAIR000148	N/A
JX-26	Photograph of Holman Prison Control Room	MCNAIR000154	N/A
JX-27	Photograph of Holman Prison Control Room	MCNAIR000155	N/A
JX-28	Photograph of Holman Prison Control Room	MCNAIR000156	N/A
JX-29	Photograph of Holman Prison Control Room	MCNAIR000160	N/A
JX-30	Photograph of Holman Prison Control Room	MCNAIR000164	N/A
JX-31	Photograph of Holman Prison Control Room	MCNAIR000172	N/A
JX-32	Photograph of Holman Prison Control Room	MCNAIR000173	N/A
JX-33	Photograph of Holman Prison Control Room	MCNAIR000174	N/A
JX-34	Photograph of Holman Prison Control Room	MCNAIR000175	N/A
JX-35	Photograph of Holman Prison Control Room	MCNAIR000176	N/A
JX-36	Photograph of Holman Prison Control Room	MCNAIR000177	N/A
JX-37	Photograph of Holman Prison Control Room	MCNAIR000178	N/A
JX-38	Photograph of Holman Prison Control Room	MCNAIR000179	N/A
JX-39	Photograph of Holman Prison Control Room	MCNAIR000188	N/A
JX-40	Photograph of Holman Prison Control Room	MCNAIR000195	N/A
JX-41	Photograph of Holman Prison Control Room	MCNAIR000198	N/A
JX-42	Photograph of Holman Prison Control Room	MCNAIR000202	N/A
JX-43	Photograph of Holman Prison Control Room	MCNAIR000203	N/A
JX-44	Photograph of Holman Prison Death Chamber	MCNAIR000207	N/A
JX-45	Photograph of Holman Prison Death Chamber	MCNAIR000209	N/A
JX-46	Photograph of Holman Prison Death Chamber	MCNAIR000210	N/A
JX-47	Photograph of Holman Prison Death Chamber	MCNAIR000213	N/A
JX-48	Photograph of Holman Prison Death Chamber	MCNAIR000219	N/A
JX-49	Photograph of Holman Prison Control Room	MCNAIR000220	N/A
JX-50	Photograph of Holman Prison Control Room	MCNAIR000222	N/A
JX-51	Photograph of Holman Prison Control Room	MCNAIR000227	N/A
JX-52	Photograph of Holman Prison Control Room	MCNAIR000232	N/A
JX-53	Photograph of Holman Prison Control Room	MCNAIR000235	N/A
JX-54	Photograph of Holman Prison Control Room	MCNAIR000264	N/A
JX-55	Photograph of Holman Prison Control Room	MCNAIR000267	N/A
JX-56	Photograph of Holman Prison Death Chamber	MCNAIR000269	N/A
JX-57	Photograph of Holman Prison Control Room	MCNAIR000282	N/A
JX-58	Photograph of Holman Prison Control Room	MCNAIR000283	N/A
JX-59	Photograph of Holman Prison Control Room	MCNAIR000285	N/A
JX-60	Photograph of Holman Prison Control Room	MCNAIR000297	N/A
JX-61	Photograph of Holman Prison Control Room	MCNAIR000298	N/A
JX-62	Photograph of Holman Prison Control Room	MCNAIR000306	N/A
JX-63	Photograph of Holman Prison Control Room	MCNAIR000307	N/A
JX-64	Photograph of Holman Prison Control Room	MCNAIR000321	N/A
JX-65	Photograph of Holman Prison Control Room	MCNAIR000322	N/A
JX-66	Photograph of Holman Prison Control Room	MCNAIR000345	N/A

JX-67	Photograph of Holman Prison Control Room	MCNAIR000360	N/A
JX-68	Photograph of Holman Prison Control Room	MCNAIR000374	N/A
JX-69	Photograph of Holman Prison Control Room	MCNAIR000391	N/A
JX-70	Photograph of Holman Prison Control Room	MCNAIR000392	N/A
JX-71	Photograph of Holman Prison Control Room	MCNAIR000398	N/A
JX-72	Photograph of Holman Prison Control Room	MCNAIR000407	N/A
JX-73	Photograph of Holman Prison Control Room	MCNAIR000490	N/A
JX-74	Photograph of Holman Prison Control Room	MCNAIR000491	N/A
JX-75	Photograph of Holman Prison Control Room	MCNAIR000492	N/A
JX-76	Photograph of Holman Prison Control Room	MCNAIR000494	N/A
JX-77	Photograph of Holman Prison Control Room	MCNAIR000496	N/A
JX-78	Photograph of Holman Prison Control Room	MCNAIR000507	N/A
JX-79	Photograph of Holman Prison Control Room	MCNAIR000508	N/A
JX-80	Photograph of Holman Prison Control Room	MCNAIR000512	N/A
JX-81	Photograph of Holman Prison Control Room	MCNAIR000514	N/A
JX-82	Photograph of Holman Prison Death Chamber	MCNAIR000531	N/A
JX-83	Photograph of Holman Prison Death Chamber	MCNAIR000532	N/A
JX-84	Photograph of Holman Prison Death Chamber	MCNAIR000537	N/A
JX-85	Photograph of Holman Prison Death Chamber	MCNAIR000538	N/A
JX-86	Photograph of Holman Prison Death Chamber	MCNAIR000546	N/A
JX-87	Photograph of Holman Prison Death Chamber	MCNAIR000549	N/A
JX-88	Photograph of Holman Prison Death Chamber	MCNAIR000554	N/A
JX-89	Photograph of Holman Prison Death Chamber	MCNAIR000556	N/A
JX-90	Photograph of Holman Prison Death Chamber	MCNAIR000557	N/A
JX-91	Photograph of Holman Prison Death Chamber	MCNAIR000559	N/A
JX-92	Photograph of Holman Prison Death Chamber	MCNAIR000578	N/A
JX-93	Photograph of Holman Prison Control Room	MCNAIR000603	N/A
JX-94	Photograph of Holman Prison Death Chamber	MCNAIR000622	N/A
JX-95	Photograph of Holman Prison Death Chamber	MCNAIR000626	N/A
JX-96	Photograph of Holman Prison Control Room	MCNAIR000628	N/A
JX-97	Photograph of Holman Prison Bathroom to Family Viewing Room	MCNAIR000663	N/A
JX-98	Photograph of Holman Prison Control Room	MCNAIR000664	N/A
JX-99	Photograph of Holman Prison Cell	MCNAIR000665	N/A
JX-100	Photograph of Holman Prison Hallway to Viewing Rooms	MCNAIR000676	N/A
JX-101	Photograph of Holman Prison Family Viewing Room	MCNAIR000680	N/A
JX-102	Photograph of Holman Prison Hallway to Viewing Rooms	MCNAIR000696	N/A
JX-103	Photograph of Holman Prison Death Chamber	MCNAIR000698	N/A
JX-104	Photograph of Holman Prison Death Chamber	MCNAIR000702	N/A
JX-105	Photograph of Holman Prison Visitor Viewing Room	MCNAIR000704	N/A
JX-106	Photograph of Holman Prison Death Chamber	MCNAIR000713	N/A

JX-107	Photograph of Holman Prison Family Viewing Room	MCNAIR000718	N/A
JX-108	Photograph of Holman Prison Control Room	MCNAIR000730	N/A
JX-109	Photograph of Holman Prison Control Room	MCNAIR000735	N/A
JX-110	Photograph of Holman Prison Control Room	MCNAIR000742	N/A
JX-111	Photograph of Holman Prison Control Room	MCNAIR000743	N/A
JX-112	Photographs of Gary Leon Brown's cadaver, Produced by the Alabama Department of Forensic Sciences	MCNAIR000761	MCNAIR00 0787
JX-113	Photographs of James Hubbard's cadaver, Produced by the Alabama Department of Forensic Sciences	MCNAIR000788	MCNAIR00 0806
JX-114	Autopsy and Toxicological Analysis Reports for Gary L. Brown, Produced by the Alabama Department of Forensic Sciences	MCNAIR000807	MCNAIR00 0861
JX-115	Autopsy and Toxicological Analysis Reports for Mario G. Centobie, Produced by the Alabama Department of Forensic Sciences	MCNAIR000862	MCNAIR00 0928
JX-116	Autopsy and Toxicological Analysis Reports for Tommy Fortenberry, Produced by the Alabama Department of Forensic Sciences	MCNAIR000929	MCNAIR00 0945
JX-117	Autopsy and Toxicological Analysis Reports for Jerry P. Henderson, Produced by the Alabama Department of Forensic Sciences	MCNAIR000946	MCNAIR00 0997
JX-118	Autopsy and Toxicological Analysis Reports for David Hocker, Produced by the Alabama Department of Forensic Sciences	MCNAIR000998	MCNAIR00 1050
JX-119	Autopsy and Toxicological Analysis Reports for James Hubbard, Produced by the Alabama Department of Forensic Sciences	MCNAIR001051	MCNAIR00 1129
JX-120	Autopsy and Toxicological Analysis Reports for Anthony K. Johnson, Produced by the Alabama Department of Forensic Sciences	MCNAIR001130	MCNAIR00 1184
JX-121	Autopsy and Toxicological Analysis Reports for John Peoples, Jr., Produced by the Alabama Department of Forensic Sciences	MCNAIR001185	MCNAIR00 1232

JX-122	Autopsy and Toxicological Analysis Reports for George Sibley, Jr., Produced by the Alabama Department of Forensic Sciences	MCNAIR001233	MCNAIR001285
JX-123	Autopsy and Toxicological Analysis Reports for Michael Thompson, Produced by the Alabama Department of Forensic Sciences	MCNAIR001286	MCNAIR001338
JX-124	Exhibit Two to the Deposition of EMT-1 (Schematic Diagram of Holman Prison Execution Area, with markings)	N/A	N/A
JX-125	Exhibit One to the Deposition of EMT-2 (Schematic Diagram of Holman Prison Execution Area, with markings)	N/A	N/A
JX-126	Alabama Department of Public Health, Office of EMS and Trauma—Patient Care Protocols (3rd Edition – dated October 19, 2006)	N/A	N/A
JX-127	Alabama Dept. of Public Health, Office of EMS and Trauma, Physician Medication Order Form	N/A	N/A
JX-128	Contract Review Report Re: Contract for Mark Dershwitz to Review Chemical Composition of Drugs Used in Executions by Lethal Injection in the State of Alabama	N/A	N/A
JX-129	Deposition Transcript of DOC-1 Taken on August 7, 2007	N/A	N/A
JX-130	Deposition Transcript of DOC-2 Taken on August 7, 2007	N/A	N/A
JX-131	Deposition Transcript of RN Taken on August 15, 2007	N/A	N/A
JX-132	Carol Benfell, <i>Fatal errors: hospitals learn lessons the hard way</i> , Santa Rosa Press-Democrat, Mar. 23, 1997, available at http://www.iatrogenic.org/fatalerr.html	N/A	N/A
JX-133	2007 American Veterinary Medical Association Guidelines on Euthanasia (<i>Formerly Report of the AVMA Panel on Euthanasia</i>), available at http://www.avma.org/issues/animal_welfare/euthanasia.pdf (June 2007).	N/A	N/A
JX-134	American Society of Anesthesiology's <i>Practice Advisory for Intraoperative Awareness and Brain Function Monitoring</i> , 104 (4) <i>Anesthesiology</i> 847 (Apr. 2006).	N/A	N/A

JX-135	ASA Standards for Basic Anesthetic Monitoring (Oct. 25, 2005).	N/A	N/A
JX-136	Robert D. Truog et al., <i>Recommendations for end-of-life care in the intensive care unit: The Ethics Committee of the Society of Critical Care Medicine</i> , 29(12) GRIT. CARE MED. 2332 (2001).	N/A	N/A
JX-137	PREVENTING MEDICATION ERRORS: QUALITY CHASM SERIES 325-60 (Philip Aspden, Julie Wolcott, J. Lyle Bootman, Linda R. Cronenwett, Eds. 2006).	N/A	N/A
JX-138	K. Taxis, N. Barber, <i>Causes of Intravenous Medication Errors: An Ethnographic Study</i> , 12 Qual. Saf. Health Care, 343-348 (2003).	N/A	N/A
JX-139	Bowdle, T.A., <i>Drug Administration Errors from the ASA [Am. Soc. Anesthesiologists] Closed Claims Project</i> , 67(6) ASA NEWSLETTER, 11-13 (2003).	N/A	N/A
JX-140	Orin F. Guidry, M.D., <i>Message from the President: Observations Regarding Lethal Injection</i> (June 30, 2006).	N/A	N/A
JX-141	Curriculum Vitae of Dr. Mark Dershwitz	N/A	N/A
JX-142	Transcript of the Deposition of DOC-1 and exhibits hereto.	N/A	N/A
JX-143	Transcript of the Deposition of DOC-2 and exhibits hereto.	N/A	N/A
JX-144	Transcript of the Deposition of RN and exhibits hereto.	N/A	N/A

As to the following exhibits, objections remain. There are no authenticity objections by either party.

EXHIBITS PROFFERED BY PLAINTIFFS, AND DEFENDANTS' OBJECTIONS

Plaintiffs' Exhibit #	Document Description	Beginning Bates No.	Ending Bates No.	Objection Basis/Bases
PX-1	Defendants' Responses and Objections to Plaintiffs' First Set of Interrogatories	N/A	N/A	No objection.

PX-2	Defendants' Responses to Plaintiffs' Revised Supplemental First Set of Interrogatories	N/A	N/A	No objection.
PX-3	Two (2) digital video discs (DVDs) containing video of inmates' cadavers, Produced by the Alabama Department of Forensic Sciences	MCNAIR001339	MCNAIR001340	Objection. Cumulative, gruesome and prejudicial. FRE 403
PX-4	Medical Examiner Records on the Execution of Lloyd LaFevers	N/A	N/A	Objection. Irrelevant. FRE 402.
PX-5	Declaration of Patrick J. Ehlers, dated March 1, 2004	N/A	N/A	Objection. Irrelevant. FRE 402.
PX-6	The Governor's Commission on Administration of Lethal Injection, Final Report with Findings and Recommendations 8 (Mar. 1, 2007), <i>available at</i> http://www.law.berkeley.edu/clinics/dpclinic/Lethal%20Injection%20Documents/Florida/lethalinjectionfinalreport.pdf	N/A	N/A	Objection. Irrelevant. FRE 402.
PX-7	State of Florida – Office of the Governor Executive Order Number 06-260	N/A	N/A	Objection. Irrelevant. FRE 402.
PX-8	State of Tennessee – Executive Order by the Governor Number 43	N/A	N/A	Objection. Irrelevant. FRE 402.

EXHIBITS PROFFERED BY DEFENDANTS, AND PLAINTIFFS' OBJECTIONS

Defendants' Exhibit #	Document Description	Beginning Bates No.	Ending Bates No.	Objection Basis/Bases
DX-1	Plaintiffs' Responses and Revised Responses to Defendants' Interrogatory Requests	N/A	N/A	No objection.
DX-2	Affidavit of Dr. Mark Dershwitz and exhibits	N/A	N/A	Objection. Hearsay, not subject to any exception.* FRE 801, 802 * In all hearsay objections, not subject to any exceptions.
DX-3	Transcript of the Deposition of Warden Grantt Culliver and exhibits hereto	N/A	N/A	Objection. Hearsay as to Defendants. FRE 801, 802 Inadmissible under FRCP 32 as to Defendants.
DX-4	Transcript of the deposition of EMT-1 and exhibits hereto.	N/A	N/A	Objection. Hearsay as to Defendants. FRE 801, 802 Inadmissible under FRCP 32 as to Defendants.
DX-5	Transcript of the deposition of EMT-2 and exhibits hereto.	N/A	N/A	Objection. Hearsay as to Defendants. FRE 801, 802 Inadmissible under FRCP 32 as to

				Defendants.
DX-6	Defendants' Responses to Plaintiffs' First Set of Interrogatories	N/A	N/A	Objection. Hearsay as to Defendants. FRE 801, 802 Inadmissible under FRCP 33.
DX-7	Defendants' Responses to Plaintiffs' Revised and Supplemental First Set of Interrogatories	N/A	N/A	Objection. Hearsay as to Defendants. FRE 801, 802 Inadmissible under FRCP 33.
DX-8	Affidavit of Warden Grantt Culliver (attached as Tab C to Defendants' Evidentiary Submission filed in support of Defendants' Motion for Summary Judgment)	N/A	N/A	Objection. Hearsay as to Defendants. FRE 801, 802
DX-9	Affidavit of Anne Adams (attached as Tab B to Defendants' Evidentiary Submission filed in support of Defendants' Motion for Summary Judgment)	N/A	N/A	Objection. Hearsay as to Defendants. FRE 401, 402 Not relevant. FRE 801, 802
DX-10	Affidavit of James R. Houts (attached as Tab D to Defendants' Evidentiary Submission filed in support of Defendants' Motion for Summary Judgment)	N/A	N/A	Objection. Hearsay as to Defendants. FRE 801, 802

	Judgment)			
DX-11	Affidavit of Dr. Gail Golab	N/A	N/A	Objection. Hearsay as to Defendants. FRE 401, 402 Not relevant. FRE 801, 802
DX-12	Transcripts of the depositions of the Defendants' expert witness(es) and exhibits thereto	N/A	N/A	Objection. Hearsay. FRE 801, 802
DX-13	Transcripts of the depositions of the Plaintiffs' expert witness(es) and exhibits thereto	N/A	N/A	Objection. Hearsay. FRE 801, 802
DX-14	Declaration and transcripts of testimony provided by Plaintiffs' expert witness(es) in other litigation, and exhibits thereto	N/A	N/A	Objection. Hearsay. FRE 801, 802

Date: September 24, 2007

/s/ Vincent R. FitzPatrick, Jr.
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CERTIFICATE OF SERVICE

I certify that on September 24, 2007, a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: J. Clayton Crenshaw, James W. Davis, Corey Maze and Jasper Roberts.

/s/ Stephanie Cohen
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